

COMMISSIONERS APPROVAL

GRANDSTAFF *Cg*

ROKOSCH

THOMPSON *at*

CHILCOTT *cy*

DRISCOLL *LO*

PLETTENBERG (Clerk & Recorder)

Members Present..... Commissioner Carlotta
Grandstaff, Commissioner Alan Thompson, Commissioner Greg Chilcott and
Commissioner Kathleen Driscoll

Date..... June 24, 2008

Minutes: Beth Perkins

► The Board met for a discussion and decision on the details of the Planning Director position. It was the Board's consensus to advertise in numerous publications such as the Montana Newspaper Association and websites.

Minutes: Glenda Wiles

► The Board met for a public meeting for Mountain View Orchards Block 3, Lot 12 Cash in lieu of parkland dedication. Present for this meeting was Planner John Lavey and Randy Fifrick. John presented a Request for Commission Action as follows:



REQUEST FOR COMMISSION ACTION

OG-08-06-481

Meeting: Tuesday, June 24, 2008 @ 9:00 a.m.
Request: To determine the cash-in-lieu of parkland dedication for the
Mountain View Orchards, Block 3, Lot 12, AP First Minor
Subdivision

I. ACTION REQUESTED

This is a request from Russell Esau, represented by Applebury Survey, to determine the cash-in-lieu of parkland dedication for the **Mountain View Orchards, Block 3, Lot 12, AP First Minor Subdivision**.

II. BACKGROUND

The Mountain View Orchards, Block 3, Lot 12, AP First Minor Subdivision is a four-lot subdivision of 9.5 acres located north of the community of Corvallis. The Board of County Commissioners deliberated upon and conditionally approved the subdivision on November 27, 2007.

The Ravalli County subdivision regulations require a subdivider to provide a parkland dedication, or a payment in lieu of dedication, for residential subdivisions of three lots or more. Because the developers of Mountain View Orchards, Block 3, Lot 12, AP did not dedicate land with the subdivision, they are required to make a cash-in-lieu of dedication payment.

The cash donation in-lieu of parkland must equal the fair market value of the amount of land that would have been required to be dedicated. The fair market value is the value of the unsubdivided, unimproved land based upon comparable sales that apply to the proposed subdivision. It must be determined by a Montana State licensed general real estate appraiser or a real estate appraiser legally qualified to appraise undeveloped land hired and paid for by the subdivider. In addition, the Commissioners may request an additional appraisal by a Montana State licensed general real estate appraiser or a real estate appraiser legally qualified to appraise undeveloped land and set the market value after considering both determinations.

The subdivider provided the Planning Department with an appraisal report completed by Larry T. Lund, a Certified Residential Appraiser, on June 11, 2008 (Exhibit A). In the report, Mr. Lund determines that the fair market value of one acre of land based off comparable sales is \$18,157.89. The preliminary plat application indicates that the subdivider is responsible for providing the monetary equivalent of 0.475 acres of land.

Based off these metrics, the subdivider would be required to provide a **\$8,625.00** cash-in-lieu of parkland payment.

III. RECOMMENDED MOTION

That the cash-in-lieu of parkland dedication of \$8,625.00 be accepted by the Board of County Commissioners as fulfilling the parkland requirement.

FISCAL IMPACT:	No extraordinary fiscal impacts noted.
ATTACHMENTS:	Appraisal report
STAFF:	John Lavey
DATE:	June 12, 2008

Commissioner Thompson made a motion to approve of the cash-in-lieu of parkland dedication of \$8,625.00 as fulfilling the parkland requirement based upon appraisals from a certified appraiser and the recommendation of the Planning Department. Commissioner Driscoll seconded the motion and all voted "aye".

► The Board met to negotiate compensation for land owners to provide a detour on their land in order to allow the bridge replacement on Kootenai Creek. Present at this meeting were Mark Behrman, Bob Oset, Tom Coston and Elenita Brown.

In regard to the detour, Tom stated they are fine with the terms and conditions that were discussed in the field and were summarized in his note (see attached emails, route maps and letters).

In regard to compensation requested (\$5,000 to Brown's and \$2,500 to Costons), Tom stated he did not put 'a lot of science' into this estimation. They felt there could be some legal fees with this agreement, even though the county would have counsel assisting in this preparation. They also felt there would be some tax liability in receiving this money and the balance of their request is from having the actual detour on their property. Tom stated both he and Elenita would have their own counsel review what ever the County Attorney puts together. Tom stated when the first detour took place, they did not have an attorney review the emergency detour. He stated the first detour caused them some problems due to the local contractor who incorrectly graded the road after the detour was discontinued.

Commissioner Driscoll stated she is worried about paying for any detour compensation because of their tight budget. Commissioner Grandstaff stated the tax payers are already investing between \$8,500 - \$10,000 in this project, which does not count the cost of the bridge replacement. Commissioner Thompson stated he has not made a site visit to this project. He stated it bothers him for the county to pay not only for the equipment, personnel and materials, but to also pay for a detour route is expensive. However, he understands the project needs to move forward.

Tom asked if the county feels this project is excessive. Commissioner Grandstaff stated 'the county runs a pretty lean budget so they must watch the money'. Commissioner Chilcott stated while \$7,500 does not seem like a lot of money for most governments; for Ravalli County is it quite a bit of money. This second detour will be more work for the county personnel and provides some permanent improvements to both the Costons' and Browns' property (new fences, culverts etc.)

Tom stated the detour comes across their ground and is a disturbance to their families.

He stated he is going to pay for one of the two culverts. Elenita stated this project is different from the emergency detour. The first detour did not work well due to the traffic etc., but it was also in November. This second detour comes during the summer and they will lose use of their pasture, they will have increased traffic etc. Therefore the detour is not to their advantage as land owners.

Commissioner Driscoll asked if this detour could be utilized in the future if needed. She also asked if any of the grant monies could be utilized for the project. Commissioner Grandstaff stated she reviewed the grant monies and they can not be utilized for the detour/easement fee. The road construction/detour is not part of the bridge replacement.

Commissioner Grandstaff asked if the \$7,500 is their bottom dollar or could it be negotiated. Tom stated he has not thought about anything less than the \$7,500. Commissioner Chilcott stated there should be no expense to either Tom or Elenita. He also stated he has some concern about creating a precedent by paying a land owner for an easement, particularly in light of the improvements that the property owners will be receiving. Commissioner Chilcott stated any amount of payment must be based on some fact.

An audience member asked what will happen if Tom or Elenita are not satisfied with the project and they ask for more monies. Commissioner Grandstaff stated she would not want this to be open ended as the figure needs to be based on the value of the easement.

Elenita stated it could be based on the value of the property (i.e., the pasture) and the amount of traffic. She stated the traffic will not be the 16 families that live there because it is summer, the traffic will be heavier. The impact of traffic is 'super important' to the owners.

Commissioner Driscoll stated they could utilize the subdivision calculations for family dwellings. Commissioner Chilcott asked how long the detour is. Tom stated the detour is approximately 3/4 of a mile.

The Commissioners concurred they need a mechanism that will be legally defensible in regard to this negotiation. Commissioner Chilcott stated he understands the inconvenience of the traffic that will occur, and also understands both parties do not need the bridge in order to drive in and out of their property. The bridge is the benefit to the other land owners. Elenita stated the subdivision calculation is 8 cars per household per day. She disagrees because the traffic will be higher particularly during these summer months.

Tom stated he understands the need to calculate a payment, but there are some variables that only he and Elenita will suffer. Commissioner Grandstaff stated the Board needs to review the length of the road, how much land is being utilized etc. prior to coming up with an offer. Commissioner Driscoll stated when they review these issues, they might find the value is higher than the requested \$7,500. Commissioner Grandstaff stated they will visit with their civil counsel tomorrow so this issue can move forward.

Commissioner Chilcott asked Tom and Elenita to break down their cost estimates. Tom stated they will prepare those estimates bringing them back to the Commissioners.

Minutes: Beth Perkins

► The Board met with Road Supervisor David Ohnstad for a road update and to award the bid for the Kootenai Creek Bridge Project. Present were Internal Auditor Klarryse Murphy, Comptroller Jana Exner, WGM Group Design Engineer Jonathan Gass and several citizens.

Commissioner Grandstaff called the meeting to order. Dave gave an overview of Kootenai Creek Bridge starting in 1972. The primary design was based upon a steel modular bridge. Due to conditions, the option of a concrete slab was provided by all bidders. He recommended award of bid to Reiber Construction of Missoula \$245,852.50 and in order to order materials to be received by end of July. This will be reimbursed by the State to cover all project costs less than two exceptions.

Commissioner Chilcott made a motion to award the bid of Kootenai Creek Bridge Replacement Project to Reiber Construction of Missoula in the amount of \$245,852.50. Commissioner Thompson seconded the motion and all voted 'aye'.

Jonathan outlined the design process. He stated he reviewed the damage to the bridge due to wash out and the condition of the road. He spoke to the floodplain administrator and FWP for collaboration of the hydrology in the area and viewed the basin size and the existing bank for 30 feet. They also reviewed the USGS reports and the cross sections and put it into a hydraulic model.

Commissioner Driscoll asked why the scouring was happening. Jonathan replied it is due to the stream migrating to the east. He stated with the scouring, they determined the size of the rip rap needed and have taken precautionary measures. They decided the rip rap was the best long term solution for the bank. Commissioner Driscoll asked why so much rip rap is to be used. Jonathan replied it is based on the scouring depths and it is also to reinforce the banks. He stated steel was the first economical choice, however, with rising prices concrete was decided. Commissioner Driscoll asked if concrete would be strong enough. Jonathan replied yes it will be. Overall, the structure being installed is a good structure.

Bob Oset questioned the money being received from the State and if the award would be adjusted to the cost. Dave replied it is not a fixed amount. The reimbursement will be based on the total cost less the two exceptions.

Mark Behrman asked if there is a source for the rip rap. Dave replied the material is scheduled to be removed from the Lost Horse Quarry and will be transported to the project site. They will continue to explore other options as well. They are continuing to discuss it with the property owner at Skalkaho Quarry. Commissioner Driscoll requested more information on the Skalkaho Quarry. Dave replied they are still discussing it with

the property owner at this time. Nothing has been finalized. The owner has drilling material and it would be an in-kind trade for the rip rap from Lost Horse Quarry.

Bob questioned why class 3 rip rap is being used. Dave replied the owner needs larger material. Mark stated there is still no cost estimated for this project. Can we get it done by November? He is hearing all the class 3 materials are coming out of Lost Horse Quarry. How long does it take to sort it?

Pat Tucker stated she would like to see a cost analysis for purchasing rip rap rather than quarrying Lost Horse and mobilizing the equipment and the sorting process. She does not know how long it is going to take to sort through class 3 rip rap. The county needs to do it in a cost effective way. The county needs a way to measure this rip rap to ensure there was enough provided for the project. Dave replied Mr. Gass will have an on-site inspector to ensure the quality of the project. The underline issue is the cost. The Road & Bridge Department does not have the ability to purchase the \$72,000 line item. Commissioner Driscoll stated we have to have something solid before approving anything. What are we exactly trading for? She requested more information. Dave replied we have an agreement with the Forest Service called Schedule A. The Forest Service has a positive relationship with the county. It is not itemized somewhere. The whole project is based on the ability to work with our peers. It is financed with the Governor's office. He stated Jonathan has gone through the criteria with him and it has been analyzed. The reimbursable from the State are for the cash outlays. We do not have the \$72,000 to purchase rip rap. Commissioner Chilcott stated we have employees that are paid by the hour. It is a fixed cost and we can budget for it. If we spend man hours to recover rip rap material, it is already budgeted for.

Pat stated as county commissioners, you have to know the costs before making a decision. Have you received a bid from a corporate provider? You can buy rip rap for \$32 per cubic yard. You need your analysis from your Road Department before making any educated decisions.

Commissioner Driscoll stated people need to understand the language here. We need to slow it down and break it down for the public. Dave replied he had an ongoing conversation with the State and they gave a 12 month extension for this project. We are out of time. We have established positive relationship and have 18 months into it and have a time limit. Commissioner Driscoll stated she is talking about the conversation here today.

Bob stated his is concerned about the quarrying. Is he being asked to sacrifice for the greater good? You need four specific sizes of rip rap. Let's get it straight before going and quarrying this. The Forest Service has pulled out over 2,000 cubic yards already. If you want my support, I want numbers. Commissioner Chilcott replied during the last meeting, \$7,500 was requested for an easement. We do not have this money. We have a fixed cost of labor. We have maintenance and fuel costs. The labor is paid for. As for slowing this down, we do not have that option. Commissioner Driscoll replied she was talking about slowing down the conversation so people can understand.

Mark stated fixed cost is fixed cost but what about the county roads going to potholes. Commissioner Chilcott replied it is money the county does not have. Klarryse stated we have a Road & Bridge Department. We do the best we can with what we have. We got the manpower and the equipment. Why would we think of paying \$72,000 to other people when we have the manpower right here? Commissioner Grandstaff stated she has all the information she needs. Commissioner Thompson stated he voted a long time ago to move this project forward.

► The Board met for approval of the Peer Counseling additional funds for WIC and Farmers Market Contract with Jackie Cenis. Jackie gave an overview of the additional funds received for peer counseling and the Farmers market Contract.

Commissioner Thompson made a motion to approve the Peer Counseling additional funds for WIC. Commissioner Driscoll seconded and all voted 'aye'.

Commissioner Driscoll made a motion to approve the Farmers Market Contract. Commissioner Thompson seconded the motion and all voted 'aye'.

Carlotta Grandstaff

From: David Ohnstad
Sent: Tuesday, June 24, 2008 8:16 AM
To: Carlotta Grandstaff
Subject: FW: Kootenai Detour Meeting Notes 5/6/08 (Brown/Coston)
Importance: High

Carlotta -

Apologies for not getting this to you sooner. Attached is the understanding that we reached with the Brown & Coston family. We estimate that completing the items noted in the detour proposal will cost between \$8500.00 and \$10,000.00 (equipment, personnel and materials). This would be a "make it fit" effort within a very limited area so some of the costs might appear high, but this is our best (rough) estimate - \$4500.00 for grading and gravel, \$1500.00 to replace two culverts, \$1500.00 to install fences and gates, \$1000.00 for dust abatement with a 15% - 20% contingency. Please let me know if you want us to further refine this estimate.

David

From: Tom Coston [mailto:TCoston@mtrail.com]
Sent: Tuesday, May 13, 2008 8:57 AM
To: Ron Nicholas; David Ohnstad; Glenda Wiles
Subject: Kootenai Detour Meeting Notes 5/6/08 (Brown/Coston)

Mr. Ron Nicholas and Mr. Dave Ohnstad and Ravalli County Commissioners:

As promised at our meeting on May 6th, I have prepared notes from our discussion regarding a proposed detour across the Brown and Coston properties to accommodate the replacement of the Kootenai Creek bridge. I have also prepared an exhibit to accompany my notes, for reference. Both documents are attached. Please review the notes and let me know if you have any questions, changes or additions. As represented, we (Brown/Coston) are willing to make the properties available for the detour as long as our concerns and needs are met - we hope that our concerns and needs appear reasonable. Thank you for your willingness to visit the property to discuss the matter.

Please acknowledge receipt of this note.

Sincerely,

Tom Coston

406-523-1410 (W)
406-777-5022 (H)

6/24/2008

Kootenai Creek Bridge Detour Route

Outline of May 6, 2008 Discussions – Prepared by Tom Coston

Participants:

David Ohnstad, County Road Supervisor, Ravalli County
Ron Nicholas, Office of Emergency Management, Ravalli County
Elenita Brown
Malika Coston
Tom Coston

Principal Terms and Conditions for use of Brown and Coston properties for detour:

Note: These are the general terms and conditions required by Brown/Coston for use of their properties for a proposed detour. This document does not serve as Brown/Coston agreement for use; it is merely for use in furthering discussion(s) and for framing out any required formal agreement(s).

It was discussed that the general intent and scope of work to be done on the proposed detour is to provide for a safe and reasonable road for passenger vehicles. In addition, the route and improvements to same would accommodate horse trailers and avoid loss of pasture usage for the time the detour is in use. At Ravalli County's recommendation, delivery vehicles and garbage pick-up and other commercial vehicles are not to be accommodated. U.S. Mail and newspaper delivery are accommodated as delivery is by passenger vehicle.

Specific Improvements Discussed – See Map Exhibit A for reference.

Ravalli County shall improve the road surface, from point "A" to point "I" (the entire length of the detour) with reasonable quantities of compactable aggregate material, grade to allow for proper drainage and apply a dust control agent prior to detour use.

Signage. "Speed limit" and "no smoking" signage is to be provided by Ravalli County. A speed limit of 5 MPH will be posted for Brown and Coston yards – otherwise a "Control Speed Please" posting will be provided at both ends of the proposed detour.

- 1) At point "B", the curve will be improved to accommodate movement of truck and horse trailers, taking care to not disturb underground water line.
- 2) At point "C", a new culvert or extension of existing culvert and fill material shall provide for straightening of the roadway. This work will also provide for a "turnout" at this location.

- 3) Pasture fence between points "D" and "E" will be relocated (moved south) to accommodate road surface against the tree-line. This will prevent the need for opening and closing of gates and provide for use of pasture for the period of time the detour is in use. At point "D" the relocation of fence shall accommodate safe access to ditch for stock water use. Specific fencing material and layout to be discussed. Note: Re-use of existing steel fence posts is questionable – replacement with quality wooden posts is desired. Existing gates to be utilized. All improvements will remain in place after use of detour.
- 4) The culvert at point "F" shall be replaced. Coston to provide new culvert, Ravalli County to install.
- 5) At point "G" a turnout can be easily accommodated.
- 6) Improvements (in addition to general surface improvements noted above) to road surface between points "H" and "I" (Kootenai Court) to be discussed further. Possible cost sharing by residents of Kootenai Court and Bridle Trail. Ohnstad and Coston to explore.

Time frame for work to be performed: During the period June 14 through July 13, activities at the Brown Ranch can not accommodate work on the proposed detour. Work on the proposed detour would have to be completed prior to June 14, or between July 14 and the opening of the proposed detour. Any of the work between points "D" and "I" can be accommodated at any time, as long as all access to the work is from Sharrott Hill Loop / Kootenai Court.

Ravalli County to provide full legal indemnification and related insurance needs to Brown and Coston families for County and resident use of detour.

Ravalli County to draft letter to residents of West Kootenai Creek outlining "rules of detour use".

Exhibit A - Kootenai Detour

